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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 8th May, 1987 as follows:—

BILL No. 49 OF 1987

A Bill to regulate the migration of doctors and engineers to foreign countries.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Doctors and Engineers (Regulation of Migration to Foreign Countries) Act, 1987.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Bond to be filled by engineering and medical students.

2. Notwithstanding anything contained in any other law for the time being in force, any citizen who takes admission to any engineering or medical institution, at the time of taking admission, shall fill a bond that he shall serve in the country for a minimum period of ten years after passing his final examination.

Penalty in case of migration before serving for ten years.

3. Any citizen who has obtained a degree in medicine or in engineering from an institution in the country, if desires to migrate to a foreign country before serving in the country for a period of ten years, he shall have to deposit a sum equal to five times the amount spent by the Government on his studies before migrating to the foreign country.

Approval of Government for pursuing higher studies, etc.

4. Any citizen who has taken a degree in medicine or in engineering from any recognised institute in the country, if desires to go to a foreign country for pursuing higher studies or doing research work, he shall have to take prior permission from the Central Government in that regard:

Provided that the permission shall be granted to the citizen by the Central Government to go to the foreign country for higher studies only on the condition that the citizen shall come back to the country after finishing his higher studies or research work to serve for a minimum period of ten years.

STATEMENT OF OBJECTS AND REASONS

A large number of citizens who take their degrees in medicine and in engineering in the country migrate to the foreign countries in the hope of earning more money. They have no will to serve the country which has provided them all the facilities to become a doctor or engineer. This tendency of the engineering and medical graduates should be curbed by putting suitable restrictions on their migration to the foreign countries.

Hence this Bill.

NEW DELHI;
March 25, 1987.

P. VALLAL PERUMAN

BILL No. 50 OF 1987

A Bill to provide for setting up of a Bureau for determination of prices of products manufactured in the private sector and for matters connected therewith.

BE it enacted by Parliament in the Thirty-eighth year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Consumer Protection (Price Determination of the Products Manufactured in the Private Sector) Act, 1987.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification published in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise, requires,—

(*a*) 'private sector' means production of goods by agencies which are not under the control of the State;

(*b*) 'product' means and includes any finished goods or services; and

(c) 'State' means the Government of the Union or of the States or bodies solely under their control.

Price determination of the products manufactured in the private sector.

3. Notwithstanding anything contained in any other law for the time being in force, the State shall determine the price of the products manufactured in the private sector through an Agency set up under section 4.

Bureau for the price determination of the products manufactured in the private sector.

4. (*1*) **The State shall establish, for achieving the object mentioned in section 3, an Agency to be called the 'Bureau for the Price determination of the products manufactured in the Private Sector' (hereinafter referred to as Bureau) on the pattern of the Bureau of Indian Standards meant for quality control.**

(*2*) **The Bureau shall consist of such number of officers and staff, as may be prescribed, for carrying out the functions of the Bureau.**

(*3*) The Bureau shall perform such other functions as may be prescribed.

Penalties.

5. If any manufacturer in the private sector contravenes any decision of the Bureau, he shall be punished with six months simple imprisonment and a fine which may extend upto rupees five thousand.

Power to make rules.

6. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule shall not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Of late, the Government of India has come out with a praise-worthy action on consumer protection front. It is heartening to note that the Government have brought forward several legislative measures on consumer protection. These would help consumer fight for his rights and may be helpful in checking the mal-practices and rise in price to a certain extent only. Much requires to be done.

The main purpose of bringing forward this legislation is to check the carefree attitude of the Private Sector producing bulk of the products, especially in the consumer section. There is hardly any check on their price determination. It has been seen that a one percent increase in the taxation or even for no reason, these unscrupulous manufacturers would enhance price of their products, sometimes, mani-fold. There is hardly any relationship between the quality and quantity of their product, on the one hand, and the price, on the other.

This problem is very acute in the rural areas. In villages, commodities of much inferior quality are being sold at exorbitant prices. Rural people are innocent by nature. They may not be able to fight this element in the private sector without some amount of effective State involvement.

In order to determine the prices of products manufactured by the private agencies, it has been proposed that a Bureau shall be set up in every State. The Bureau, apart from determining the price of products, shall also act as a check when the agencies increase the prices at their own will. Since the functions and policies of the Bureau are regulated by the Central Government, the prices of the product will be uniform throughout the country to some extent.

Hence this Bill.

NEW DELHI;
March 31, 1987.

CHINTAMANI JENA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up of a 'Bureau for the price determination of the products manufactured in the private sector' at the Centre and in every State. The Bureau established by the Centre would look after the Union territories.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. As for setting up of Bureaus in States, the respective State Governments would incur expenditure from their Consolidated Funds.

It is estimated that an annual recurring expenditure of about rupees ten crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives powers to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL No. 52 OF 1987

A Bill to provide for recognition of all Scheduled Castes and Scheduled Tribes welfare associations and to provide facilities to them.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Scheduled Castes and Scheduled Tribes (Recognition of Welfare Associations) Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definition.

2. In this Act, 'association' means the Scheduled Castes and Scheduled Tribes welfare association formed in any public sector unit or private sector unit or in the offices both under the Central and State Governments.

Recognition of Scheduled Castes and Scheduled Tribes welfare associations.

3. Notwithstanding anything contained in any other law for the time being in force, all associations which apply to the Central Government for recognition, shall be duly recognised by the Central Government and shall be equated at par with the recognised trade unions.

Facilities to recognised associations.

4. All the recognised associations shall be provided with free accommodation, free electricity and water, office furniture and office stationery upto rupees two hundred and fifty per month, by the Central Government.

STATEMENT OF OBJECTS AND REASONS

There are many registered Scheduled Castes|Scheduled Tribes welfare associations in the country with the sole motive of representing for the legitimate and genuine interests of the members belonging to the Scheduled Castes|Scheduled Tribes communities. Since the said associations are not recognised and thus derived of a legal status, they are not in a position to function effectively to cater to the needs of these down-trodden community people.

In the institutions under Central|State Governments and public|private sector industries and undertakings, only the recognised trade unions are involved in the participation of talks between the management and employees and the grievances of the Scheduled Castes|Scheduled Tribes people are also expected to be represented only by the trade unions.

In practice, the trade unions do hesitate to take up the grievances of SC|STs with the management for obvious reasons and due to their differences on the Government's reservation policy. Majority of the trade unions are against the Government's policy of reservation to Scheduled Castes|Scheduled Tribes in educational institutions and in Government services.

Although the Government policy provides for many privileges rights to the Scheduled Castes|Scheduled Tribes, they are not being given to them by the management in many cases and for want of recognition, these associations are not able to represent to the management their grievances nor the trade unions take them up.

This problem can be over-come only by recognising the Scheduled Castes| Scheduled Tribes welfare associations and placing them at par with the recognised trade unions.

The representatives of the associations should be associated in all the meetings held by the management with the employees in respect of all matters governing the service conditions and other union activities, etc.

The representatives of these associations should also be associated in our country's representations to various industrial committees constituted by the International Labour Organisation.

The associations have not, so far, been provided with any essential facilities for their day-to-day functioning. They should, therefore, be provided with free accommodation, electricity, water, furniture, stationery, etc.

The representatives|members of these associations should be educated about their rights.

Hence this Bill.

NEW DELHI; P. VALLAL PERUMAN

March 31, 1987.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall provide free accommodation, free electricity and water, office furniture and office stationery upto rupees two hundred and fifty per month to the Scheduled Castes and Scheduled Tribes welfare associations. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

An annual recurring expenditure of about rupees twenty-five lakhs is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure of about rupees twenty lakhs is likely to be involved.

BILL NO. 47 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1987. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 25 of the Constitution, in clause (*1*), for the words "public order, morality and health and to the other provisions of this Part", the words "sovereignty and integrity of India, internal security, public order, morality and health and to the other provisions of this Part" shall be substituted. Amendment of article 25.

3. In article 26 of the Constitution, for the words "public order, morality and health", the words "sovereignty and integrity of India, internal security, public order, morality and health" shall be substituted. Amendment of article 26.

Amendment of article 28.

4. In article 28 of the Constitution, in clause (*1*), for the words "wholly maintained out of State funds", the words "maintained out of State funds or not" shall be substituted.

Insertion of new article 28A.

5. After article 28 of the Constitution, the following article shall be inserted, namely:—

State not to give news or information with respect to any religious ceremony, etc.

"28A. The State shall not, through their media or otherwise, propagate, project or convey any news or information with respect to any religious ceremonies, functions or processions:

Provided that nothing hereinabove shall prevent the State from conveying any news or information about a religious ceremony, function or procession as is required to be conveyed in the interest of sovereignty and integrity of India, internal security, public order, morality and health."

STATEMENT OF OBJECTS AND REASONS

Recent trends in the country amply indicate that constitutional provisions with respect to freedom of religion are used as a shield to propagate false religious dogmas, resort to violence in the name of protecting religion and use religious places for purposes which have nothing to do with the religion.

Therefore, it is high time that the Government of India as also State and Union territory Governments enact appropriate legislations to curb such activities. But, for that purpose a few provisions in the Constitution are required to be amended. For, if the Government of India or the State and Union territory Governments enact legislations on the subject without first amending the relevant provisions of the Constitution, such legislations may not stand in the courts of law where they are bound to be challenged.

At present there are only three grounds under which right to freedom of religion under article 25 can be curtailed. These grounds are (i) public order (ii) morality and (iii) health. The proposed amendment to article 25 seeks to add two more grounds which are very much required to be added in the present context. These are—(i) sovereignty and integrity of India and (ii) internal security.

No patriotic Indian will have, and should have, an objection if any restriction on his rights, be they religious or otherwise, is imposed in the interest of the sovereignty and integrity of India and internal security as, obviously, such restrictions do not and should not come in the way of his religious rights, which are practised in privacy.

Similar restrictions have been proposed with respect to article 26 which provides for freedom to manage religious institutions.

Article 28(1) of the Constitution as it stands today, prohibits religious instructions being imparted only in the educational institutions which are wholly maintained out of State funds. The proposed amendment to the said article seeks to prohibit providing of religious instructions in any educational institutions maintained out of State funds or not.

The proposed Bill also seeks to add a new article, i.e., article 28A to prohibit Government media from propagating, projecting or conveying news, information about religious ceremonies, functions or processions. However conveying of news or information about a religious ceremony, functions or procession if required to be conveyed in the interest of sovereignty and integrity of India, internal security, public order, morality or health, is not prohibited.

NEW DELHI; SHANTARAM NAIK

April 8, 1987.

BILL NO. 51 OF 1987

A Bill further to amend the Prevention of Food Adulteration Act, 1954.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1987.

Insertion of section 16A.

2. Section 16A of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as the principal Act), shall be renumbered as section 16B and before the section as so renumbered, the following new section shall be inserted, namely:— 37 of 1954.

Power of court to give lesser punishment in certain cases.

"16A. Notwithstanding anything contained in section 16, the court may, for reasons to be recorded in writing, give lesser punishment than the minimum prescribed in case of offences of selling, distributing or storing of articles of food by retailers, which prove to be adulterated but do not prove to be injurious to health.".

Amendment of section 17.

3. In section 17 of the principal Act, after sub-section (4), for part (a) of the *Explanation*, the following shall be substituted, namely:—

'(*a*) "company" means and includes any body corporate, a firm or other association of individuals or any establishment run by the Government dealing in articles of food;'.

Amendment of section 20.

4. In section 20 of the principal Act,—

(*i*) sub-section (*1*) shall be omitted;

(*ii*) sub-sections (*2*) and (*3*) shall be renumbered as sub-sections (*1*) and (*2*) respectively thereof.

Amendment of section 20A.

5. In section 20A of the principal Act, for the words "the court may,", the words "the court shall," shall be substituted.

STATEMENT OF OBJECTS AND REASONS

At present, if a person is convicted under any of the provisions of the Prevention of Food Adulteration Act, 1954, a minimum sentence of six months imprisonment has to be awarded. This provision was made in order to deter those who indulge in adulteration of articles of food. But in many cases and especially petty traders, who do business in villages, are very much harassed because of this provision. In some cases for no fault of such petty traders but because of provisions of law, such traders are convicted and no option is left to Judges but to send them to jail for a period of six months. This Bill seeks to give a discretion to Judges to give lesser punishment in cases where the article is proved to be adulterated but not injurious to health. There are some articles of food which get spoiled due to atmospheric changes and such articles are included in the definition of the word 'adulterated'. At least in such cases it is necessary to give discretion to Judges.

At present shops run by Government to deal in food articles are not covered by the provisions of the Prevention of Food Adulteration Act, 1954. There is no reason why such discrimination should be made. The Act should be made applicable to shops run by Government also and hence it has become necessary to expand the scope of the definition of the word 'company'.

Hence this Bill.

NEW DELHI;
April 8, 1987.

HUSSAIN DALWAI

SUBHASH C. KASHYAP,
Secretary-General.

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